IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

F.A.NO.778 Of 2005

Maharashtra State Road Transport Corporation ..Appellant

Vs.

Shri.Shriniwas Rajgopal Babu and Ors. ..Respondents

...

Mr.C.M.Lokesh i/b M/s.G.S.Hegde & Associates for Appellant
Mr.S.M.Oak for Respondent

...

WITH
F.A.NO.787 OF 2005

Shri.Shrinivas Rajgopal Babu ..Appellant

Vs.

Maharashtra State Road Transport Corporation Ltd.& Ors. ..Respondents

...

Mr.S.M.Oak for Appellant
Mr.C.M.Lokesh i/b M/s.G.S.Hegde & Associates for Respondents

...

CORAM: DR.S.RADHAKRISHNAN AND SMT.V.K.TAHILRAMANI,JJ.
DATE : DECEMBER 13,2005

P.C.

1. Heard the learned counsel for the respective Appellants and Respondents. The learned counsel

for the Appellant-Maharashtra State Road Transport Corporation in First Appeal No.778 of 2005 stated before us that the Corporation has agreed to settle the entire matter by paying lumpsum amount of Rs.10 lakhs as against a sum of Rs.11,25,000/- as awarded by the Tribunal. The learned counsel for the Appellant-Maharashtra State Road Transport Corporation has tendered the letter dated 12.12.2005 to that effect. The learned counsel for the Respondent No.1 being original claimant before the M.A.C.T. states that the claimant is ready and willing to accept the said sum of Rs.10 lakhs in lumpsum as full and final settlement of his claim. The aforesaid letter dated 12th December, 2005 is taken on record and marked 'X' for identification. Hence, the First Appeal No. 778 of 2005 is allowed to be withdrawn and disposed of as such.

2. Mr.C.M.Lokesh, the learned counsel for the Appellant in F.A.No.778 of 2005, states that the Appellant-Maharashtra State Road Transport Corporation will deposit the said sum of Rs.10 lakhs within eight weeks from today before the Tribunal (M.A.C.T.). Upon such deposit being made before the Tribunal, the original claimant being Respondent No.1 is permitted to withdraw the same

as full and final settlement of the claim of the Respondent No.1 which he has against the Appellant. In view of the aforesaid statement, the learned counsel for the Appellant states that he is not pressing the Appeal No.787 of 2005. Hence, the said Appeal is allowed to be withdrawn and dismissed as such. Permissible Court fees be refunded to the both the Appellants as per Rules.

3. It is made clear that in event the aforesaid amount of Rs.10 lakhs is not deposited by Maharashtra State Road Transport Corporation within eight weeks from today, First Appeal No.778 of 2005 shall stand dismissed and First Appeal No.787 of 2005 shall stand revived.

4. Both the Appeals are disposed of accordingly.

[DR.S.RADHAKRISHNAN, J.]

[SMT.V.K.TAHILRAMANI,J.]